

UTILITY PATENT

2681 #6
LB
359/01
B&D No. TN-1444A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of **Roger Q. SMITH**

Serial No.: **09/262,751**

Examiner: **R. Persino**

Filed: **March 4, 1999**

Group Art Unit **2681**

For: **HEAVY DUTY AUDIO EQUIPMENT**

Assistant Commissioner for Patents
Washington, DC 20231



RECEIVED
MAR 16 2001
Technology Center 2600

DISCLOSURE STATEMENT PURSUANT TO 37 CFR § 1.604

I, Adan Ayala, Reg. No. 38,373, certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington DC 20231 on 3-13-01


Adan Ayala

Dear Sir:

Pursuant to 37 CFR § 1.604, Applicant hereby discloses two applications disclosing and claiming subject matter which is similar to the present application. 37 CFR §1.604 ("When an applicant presents a claim known to the applicant to define the same patentable invention claimed in a pending application of another, the applicant shall identify that pending application."). Accordingly, Applicant refers the Examiner to the attached copies of US Patent Application Serial Nos. 60/069,372 and 09/209,721, filed December 12, 1997, and December 11, 1998, respectively, both entitled "RUGGEDIZED TRADESWORKERS RADIO" (hereinafter the "Domes Applications"). Also attached is a preliminary amendment. The Domes Applications list Joseph Domes of Huntington, NY as the inventor.

UTILITY PATENT

B&D No. TN-1444A

APPLICANT'S PRESENT DISCLOSURE IS NEITHER AN ADMISSION THAT THE DOMES APPLICATIONS CONSTITUTE PRIOR ART NOR A REQUEST FOR AN INTERFERENCE.¹ APPLICANT DISCLOSES THE DOMES APPLICATIONS TO ASSIST THE PTO. *See Aelony v. Arni*, 547 F.2d 566, 192 USPQ 486 (CCPA 1977); MPEP § 2306, at 2300-15; *see also* MPEP § 2303, at 2300-10.

RECEIVED

MAR 16 2001

Technology Center 2600



Respectfully submitted,

A handwritten signature in black ink, appearing to be "Adan Ayala", written over a horizontal line.

Adan Ayala
PTO Reg. No. 38,373
Attorney for Applicants

Adan Ayala - TW-199
The Black & Decker Corporation
701 East Joppa Road
Towson, Maryland 21286
(410) 716-2368

¹ Applicants remind the Examiner that an interference cannot be declared between these two pending applications. According to MPEP § 2303, "[i]nterferences will not be declared between pending applications if there is a difference of more than 3 months in the effective filing dates of the oldest and next oldest applications, in the case of inventions of a simple character, or a difference of more than 6 months in the effective filing dates of the applications in other cases, except in exceptional situations." MPEP § 2303, at 2300-10.

The earliest filing date for the present application is based on the parent application, Ser. No. 09/153,621, i.e., September 15, 1998. The earliest filing date for the Domes Applications is believed to be December 12, 1997. Accordingly, the earliest filing date of the present application is more than six months from Domes' earliest filing date.